

REMARKS

Initially, in the Office Action dated March 31, 2005, the Examiner rejects claims 9-17 under the judicially created doctrine of double patenting over claims 1-16 of U.S. Patent No. 6,256,661. Claims 9-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,621,884 (Beshears et al.) in view of U.S. Patent No. 5,751,965 (Mayo et al.). Claims 9-17 remain pending in the present application.

Information Disclosure Statement

Applicants submitted an Information Disclosure Statement and Form PTO-1449 on September 27, 2001. However, the initialed Form PTO-1449 received from the Examiner did not acknowledge his consideration of JP 7168889. Applicants respectfully request that the Examiner include a fully-initialed Form PTO-1449 with the next Patent Office communication. A copy of the partially-initialed Form PTO-1449 filed on September 27, 2001 is attached for the Examiner's convenience.

Double Patenting Rejections

Claims 9-17 have been rejected under the judicially created doctrine of double patenting over claims 1-16 of U.S. Patent No. 6,256,661. Applicants are filing a Terminal Disclaimer concurrently with this Response, thereby overcoming these rejections.

35 U.S.C. §103 Rejections

Claims 9-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Beshears et al. in view of Mayo et al. Applicants respectfully traverse these rejections.

Beshears et al. discloses in a distributed data access system in which a plurality of computers maintain and provide access to a database of stock exchanges information, 1-for-N redundancy being provided by operating one computer in standby mode, while the other computers operate online. Each online computer provides access to the database to a preferred set of geographically broad plurality of users. The set of users for any online computer is defined by user connectivity data structures that define connectivity between the user set and the computer. When a failure is detected in any one of the computers, the user connectivity data structures of that computer are provided to the standby computer, which then assumes all operations of the failed computer. An arbitrator computer facility observes the health and determines the status of each the computers, including the standby computer, and controls the transfer of online status from a failed computer to the standby computer.

Mayo et al. discloses a system that provides representations of connections or other relationships among entities that make up a communications network. The representations may each have a color or shading to represent different conditions of the relationship. The relationships may be graphical and may also include textual information as well as graphical hot-spots selectable by a user to provide even more

detailed information regarding the relationship. The condition of each relationship may be determined based upon a combination of the conditions of the interface elements which are coupled together to form the communications relationship.

Regarding claims 9, 13, 14 and 17, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims of, inter alia, sending means for sending a list of the data related to the expert clerk corresponding to the connectable expert clerk terminal, to a terminal for use by the customer, replying to an inquiry from a customer that includes sending/receiving data showing that connection is possible to the connection management apparatus when connection with the terminal for use by the customer is ended, or changing a connective status of the clerk terminal from "connected" to "connectable" based on the data showing connectable. The Examiner admits that Beshears et al. does not disclose or suggest sending means for sending a list of the data related to the expert clerk corresponding to the connectable expert clerk terminal, to a terminal for use by the customer, but asserts that these limitations are disclosed in Mayo et al. at col. 2, line 58 – col. 3, line 64, by Mayo et al.'s disclosure of a network monitor and display connection status including the hot-spots selectable by a user. However, these portions of Mayo et al. merely disclose to display the connection status between a bridge and a network, as shown in Fig. 10, where the status is displayed not only when the status is good, but also when the status is any one of bad, unknown, bad/disabled and disabled. This is not sending a list of the data related to the expert

clerk corresponding to the connectable expert clerk terminal to a terminal for use by the customer, so that the customer can select an expert clerk related to the connectable clerk terminal, as recited in the claims of the present application.

According to the present invention, the data related to an expert clerk corresponding to a "connectable" expert clerk terminal is displayed, but the data related to an expert clerk corresponding to a "connected" expert clerk terminal is not displayed since connection to data related to the expert corresponding to the "connected" expert clerk terminal is not permitted. In contrast to the present invention, Mayo et al. merely discloses displaying all types of status regardless. Mayo et al. does not disclose or suggest sending a list of the data related to the expert clerk corresponding to the connectable expert clerk terminal, as recited in the claims of the present application.

Moreover, the Examiner asserts that Beshears et al. discloses each of the clerk terminal sending data showing connection is possible to the connection management apparatus when connection with the terminal for use by the customer is ended, by Beshears et al.'s disclosure of displaying arbitrator computer status, and col. 9, lines 1-9. However, these portions of Beshears et al. merely disclose that an interface to a user is provided by the operator command interface process where the interface provides a user with monitor, control and configuration capabilities, one of which is displaying arbitrator computer status. According to Beshears et al., an arbitrator computer facility observes the health and determines the status of each of the computers, including the standby computer, and controls the transfer of online

status from a failed computer to the standby computer. This is not each of the clerk terminals sending data showing that connection is possible to a connection management apparatus when connection with the terminal for use by a customer is ended, as recited in the claims of the present application. These portions of Beshears et al. do not disclose or suggest anything related to a connection with a terminal ending, or each of the clerk terminals sending data showing that connection is possible. These portions of Beshears et al. merely disclose displaying status to allow the determination of whether to transfer online status from a failed computer to the standby computer.

In addition, the Examiner asserts that Beshears et al. discloses monitoring means of a connection management apparatus changing a connective status of a clerk terminal from "connected" to "connectable", at col. 6, lines 3 - et seq., monitor service, an active computer, a standby computer, and substituting a spare computer, in col. 15, lines 5-25. However, these portions of Beshears et al. merely disclose that in response to a user transmitting a MONITOR ADD message, signifying that all market activities for an identified security is to be provided continuously to the user as it becomes available, a corresponding bit in the monitor service bitmap is set such that each time an updating transaction for the security is received, the file processor will forward the information to the communication processor who will then place the information in a respective message for each user whose bit is set in the security symbol entry of the monitor bitmap, and as has been noted previously, that Beshears et al. relates to detecting a failed computer and providing a standby

computer that assumes all operations of the failed computer. This is not a monitoring means of a connection management apparatus that changes a connected status of a clerk terminal from "connected" to "connectable" based on data showing connectable, as recited in the claims of the present application. Beshears et al. does not disclose or suggest a clerk terminal having a status, or a clerk terminal having a status of "connected" or "connectable".

Regarding claims 10-12, 15 and 16, Applicants submit that these claims are dependent on one of independent claims 9 and 14 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. For example, Applicants submit that none of the cited references disclose or suggest an unattended agent server that includes storage means for storing past reply to an inquiry of the customer, retrieving means for retrieving the past reply corresponding to the inquiry, and sending means for sending the past reply to the terminal for use by the customer, in accordance with the inquiry from the customer, or means for setting a priority of consultation of said expert clerk in accordance with frequency of the past consultation of said expert clerk, wherein said extraction means extracts said data related to said expert clerk corresponding said connectable second terminal, in accordance with said priority.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 9-17 of the present application. Applicants

respectfully request that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing remarks, Applicants submit that claims 9-17 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger, Malur & Brundidge, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 520.35693CX1).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



Frederick D. Bailey
Registration No. 42,282

FDB/sdb
(703) 684-1120

SERIAL NO.

09/846,615

FILING DATE
May 2, 2001

**GROUP
2152**

(Use several sheets if necessary)

INFORMATION STATEMENT
SEP 27 2001
(USE ONLY)
PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

PATENT DOCUMENTS															
		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUBCLASS	ABSTRACT		
													YES	NO	
		7	1	6	8	8	8	9	7/96	Japan				XX	

OTHER DOCUMENTS

[illegible]

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)	
u	Y. Kobayashi, "A New Stream In Telemarketing Fusion of C/S System and PBX", Nikkel Computer, Nikkel PB Inc., August 7, 1995, No. 371, pp. 67-69.
u	S. Nakagawa, et al "Remote User Support System on Campus Network", IPSJ SIG Notes, Information Processing Society of Japan, May 24, 1996, vol. 96, No. 52, pp. 17-24.
EXAMINER	

EXAMINER

DATE CONSIDERED

6/7/04

EXAMINER: Initial if citation is considered, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Form PTO-1449 [8-4])

RECEIVED

SEP 28 2001

Group 2100